

Opening Statement of the Honorable Greg Walden
Subcommittee on Communications and Technology
Hearing on “The Uncertain Future of the Internet”
February 25, 2015

(As Prepared for Delivery)

Good morning and welcome to the Subcommittee on Communications and Technology’s hearing on “The Uncertain Future of the Internet.” Tomorrow, the FCC is expected to adopt an Order that may not ultimately provide net neutrality protections for American consumers; that might lay the groundwork for future regulation of the Internet; that may raise rates for the American Internet users; and that could stymie Internet adoption, innovation, and investment. This Order may be the salvation of edge providers that fear speculative ISP practices or the beginning of regulation of all platform providers wherever they sit on the Internet. We just don’t know and it doesn’t have to be this way.

Let’s take a moment to point out that Chairman Upton and I have asked for this process to be more open than usual. We asked the Chairman to release the draft Order – the rules and the jurisdictional arguments for the rules – before the Commission vote, so people could really understand what they were getting themselves into. I recognize that it is not customary for the FCC to release its document before a vote, but then again, it’s not customary for an FCC proceeding to attract the attention of an HBO comedian or scores of protesters and cat mascots parading in front of the FCC and Chairman Wheeler’s Georgetown home. Nor is it customary to have the President add his weight to steer an independent agency’s decision. Our calls for transparency have been echoed by others to no avail. In short, we are still in the dark on the net neutrality rules, and we don’t have to be.

Uncertainty is what we hoped to stave off by introducing legislation that would clearly demarcate the FCC’s authority over the Internet. Most of you know that I did not see the need for net neutrality rules, and some of my colleagues had to be dragged “kicking and screaming” toward our draft bill. (Thanks for that remark, John.) Despite our reservations, we came to the table with legislation for two reasons. The first is that not one of us disagrees with the four principles adopted by the FCC in 2005.

- (1) consumers are entitled to access the lawful Internet content of their choice;
- (2) consumers are entitled to run applications and services of their choice, subject to the needs of law enforcement;
- (3) consumers are entitled to connect their choice of legal devices that do not harm the network; and
- (4) consumers are entitled to competition among network providers, application and service providers, and content providers.

The Internet has been a catalyst for our modern information economy and culture precisely because of these guiding principles. But the current draft Order, which will purportedly subject the Internet to monopoly-era regulation under Title II of the Communications Act, threatens to throw all of this out the window and to generate significant uncertainty that will impact the industry, its investors, and ultimately its consumers.

Accordingly, the second reason that we’ve offered legislation is to quell that wave of uncertainty. No more trips to the D.C. Circuit for the FCC – at least on this issue. Our economy and our communities are better served by ISPs that can invest in services rather than in lawyers. We are all better served by an agency with clear jurisdiction rather than one that engages in policymaking by litigation. I think that this is something that everyone would support, but I have yet to find anyone willing to engage in a real negotiation over what this bill should look like. I’m not above asking again – let’s talk about how we can work together to solve the problem and end this uncertainty. The door is open.

So today, our hearing is intended to lay out some of the questions we’ve been asking and to explore the uncertainty surrounding these new rules. Our panel of witnesses today contains several veterans of this debate. Mr. Boucher, in particular, sat in this very chair when the FCC began its first attempt to enforce

net neutrality through regulation. It's very good of you to return to talk to us about this same issue today. I hope that all of us here in the room will continue to engage in a productive dialogue and use the tools at our, and only our, disposal to end the net neutrality debate once and for all.

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